

PANEL: WEST/SOUTHCENTRAL

LOCATION: GRAYSON COUNTY CIRCUIT COURTROOM, 125 EAST WHITE OAK STREET,
LEITCHFIELD, KENTUCKY

DATE: Wednesday, October 06, 2004

10:15 AM PJ: MINTON BARBER MCANULTY
2003CA002348 RONALD HINES ET AL. VS MARTHA COLLARD

WHETHER DEFAULT JUDGMENT IN FAVOR OF CROSS-CLAIMANT AGAINST CROSS- DEFENDANT WAS PROPER WHERE CROSS-CLAIMANT MADE ORAL MOTION, CROSS- DEFENDANT HAD FAILED TO FILE ANSWER TO CROSSCLAIM, AND CROSS-DEFENDANT'S FORMER COUNSEL HAD PREVIOUSLY STATED IN OPEN COURT THAT THERE WAS NO DEFENSE TO CROSSCLAIM.

CIVIL GRAYSON COUNTY ROBERT A MILLER

Appellant Atty:

Appellant Name:

.....
HINES, RONALD E

.....
ARLETA K. HINES
RONALD E. HINES

Appellee Atty:

Appellee Name:

.....
COTTRELL, DONALD W.

.....
MARTHA COLLARD

11:00 AM PJ: MCANULTY BARBER MILLER
2003CA002414 BITUMINOUS CASUALTY CORPORATION VS KENWAY CONTRACTING,
INC. ET AL.

APPEAL OF SUMMARY JUDGMENT IN FAVOR OF INSURED FROM THE WARREN CIRCUIT COURT.

CIVIL WARREN COUNTY JOHN D. MINTON JR

Appellant Atty:

Appellant Name:

.....
CHESNUT, PAMELA ADAMS
MACLIN, ROBERT E.

.....
BITUMINOUS CASUALTY CORPORATION
BITUMINOUS CASUALTY CORPORATION

Appellee Atty:

Appellee Name:

.....
HINTON, LARRY F

.....
INTEGRA BANK, N.A.
JUDY TURNER
NEAL TURNER
KENWAY CONTRACTING, INC.

TRAVELSTED, J. BRENT

PANEL: EAST/SOUTHEAST

LOCATION: CARL D. PERKINS FEDERAL BUILDING AND U.S. COURTHOUSE, 3RD FLOOR
COURTROOM, GREENUP AVENUE, ASHLAND, KENTUCKY

DATE: Wednesday, October 06, 2004

10:00 AM PJ: KNOFF COMBS GUIDUGLI

2003CA000164 JAMES BAILEY VS ANGELA FRALEY

2003CA000312 LANDLORD FOUND LIABLE FOR INJURY SUFFERED ON LEASED PREMISES CONTENDS THAT THE TRIAL COURT
ERRED BY SUBMITTING A QUESTION OF STATUTORY CONSTRUCTION (ALLEGED BUILDING CODE VIOLATION) TO
THE JURY.

CIVIL GREENUP COUNTY LEWIS D NICHOLLS

Appellant Atty:

Appellant Name:

.....
WILHOIT, H RUPERT

.....
JAMES P. BAILEY

WILHOIT, WILLIAM H

JAMES P. BAILEY

Appellee Atty:

Appellee Name:

.....
MUDD, JESSE ALLEN

.....
ANGELA FRALEY

SALES, KENNETH L.

ANGELA FRALEY

SATTERLEY, JOSEPH D.

ANGELA FRALEY

10:45 AM PJ: COMBS GUIDUGLI KNOFF

2003CA001875 AUTO-OWNERS INSURANCE COMPANY VS RANDALL SMITH MOBILE
HOMES CORPORATION ET AL.

INSURANCE CASE IN WHICH INSURER APPEALS FROM A SUMMARY JUDGMENT HOLDING THAT IT MUST DEFEND
AND INDEMNIFY APPELLEE, ALLEGING THAT COURT ABUSED ITS DISCRETION WHEN NO UNDERLYING MOTION
WAS PENDING BEFORE THE CIRCUIT COURT.

CIVIL LAUREL COUNTY LEWIS B HOPPER

Appellant Atty:

Appellant Name:

.....
TRAVIS, THOMAS L.

.....
AUTO-OWNERS INSURANCE COMPANY

Appellee Atty:

Appellee Name:

.....
ALGIE, GLENN EDWARD

.....
GREENPOINT CREDIT, LLC

HOSKINS, RALPH W

RANDALL SMITH MOBILE HOMES CORPORATION

PANEL: EAST/SOUTHEAST

LOCATION: CARL D. PERKINS FEDERAL BUILDING AND U.S. COURTHOUSE, 3RD FLOOR
COURTROOM, GREENUP AVENUE, ASHLAND, KENTUCKY

DATE: Wednesday, October 06, 2004

11:30 AM PJ: GUIDUGLI COMBS KNOFF
2003CA001596 GOLDEN RULE PUBLISHERS ET AL. VS HOWARD EDWARDS ET AL.

WHETHER CIRCUIT COURT PROPERLY HELD THAT PARTY CAUSING MVA WAS AN AGENT OF GOLDEN RULE PUBLISHERS

CIVIL PULASKI COUNTY WILLIAM T CAIN

Appellant Atty:

Appellant Name:

.....
HUFF, WINTER R.

.....
GOLDEN RULE PUBLISHERS

JAMES ALYEA

PRATHER, JOHN G.

GOLDEN RULE PUBLISHERS

JAMES ALYEA

Appellee Atty:

Appellee Name:

.....
BENNETT, BRYAN E.

.....
HAMILTON MUTUAL INSURANCE COMPANY

HOOTS, DOUGLAS L

WEST AMERICAN INSURANCE COMPANY

NOT REPRESENTED BY COUNSEL,

SHARON STAFFORD

NUNERY, DAVID A.

HAMILTON MUTUAL INSURANCE COMPANY

PRUITT JR., JOHN T.

GLENNA EDWARDS

HOWARD O. EDWARDS

TAYLOR, JEFFREY A

WEST AMERICAN INSURANCE COMPANY

01:30 PM PJ: GUIDUGLI COMBS KNOFF
2003CA002271 JAMES BATES VS JOSEPH LAMBERT

SUIT AGAINST CHIEF JUSTICE LAMBERT FOR A REMOVAL FROM PUBLIC OFFICE DISMISSED DUE TO JUDICIAL,
QUALIFIED AND SOVEREIGN IMMUNITY

CIVIL KNOTT COUNTY JOHN ROBERT MORGAN

Appellant Atty:

Appellant Name:

.....
BATES, JAMES

.....
JAMES BATES

Appellee Atty:

Appellee Name:

.....
BUSCH, EDWARD F

.....
JOSEPH E. LAMBERT

FRANCIS, WILLIAM G

JOSEPH E. LAMBERT

KENDRICK, WILLIAM S

JOSEPH E. LAMBERT

SULLIVAN, RICHARD M

JOSEPH E. LAMBERT

PANEL: NORTH/CENTRAL

LOCATION: 360 DEMOCRAT DRIVE, FRANKFORT, KENTUCKY

DATE: Wednesday, October 06, 2004

09:30 AM PJ: TAYLOR JOHNSON VANMETER

2003CA000244 RICHARD ELAM ET AL. VS RANDY BICKNELL

2003CA000274 2003-CA-000244 - WHETHER CIRCUIT COURT PROPERLY ENTERED SUMMARY JUDGMENT CONCLUDING APPELLANT BREACHED COVENANT OF GENERAL WARRANTY; WHETHER JURY'S AWARD OF DAMAGES WAS PROPER; 2003-CA-000274 - WHETHER APPELLEE IS ENTITLED TO COSTS AND ATTORNEY'S FEES.

CIVIL WOODFORD COUNTY WILLIAM T JENNINGS

Appellant Atty:

Appellant Name:

.....
FRANKLIN, DAVID A.

.....
KATERINE ELAM

GUDGEL, PAUL D

RICHARD ELAM

KATERINE ELAM

RICHARD ELAM

Appellee Atty:

Appellee Name:

.....
RANSDELL, W. KEITH

.....
RANDY BICKNELL

WIER, ROBERT E.

RANDY BICKNELL

10:15 AM PJ: TAYLOR JOHNSON VANMETER

2003CA002267 TIMOTHY PANGALLO VS CITY OF NEWPORT, KENTUCKY

WHETHER CIRCUIT COURT PROPERLY CONCLUDED APPELLANT WAS COLLATERALLY ESTOPPED FROM RAISING ISSUE OF RESIGNATION; WHETHER CIRCUIT COURT PROPERLY GRANTED SUMMARY JUDGMENT IN LIGHT OF REDMON V. MCDANIEL.

CIVIL CAMPBELL COUNTY WILLIAM J WEHR

Appellant Atty:

Appellant Name:

.....
SIDEBOTTOM, SHANE C

.....
TIMOTHY PANGALLO

WOLNITZEK, STEPHEN D

TIMOTHY PANGALLO

Appellee Atty:

Appellee Name:

.....
MANDO, JEFFREY C.

.....
CITY OF NEWPORT, KENTUCKY

STEWART, MARY ANN

CITY OF NEWPORT, KENTUCKY

PANEL: NORTH/CENTRAL

LOCATION: 360 DEMOCRAT DRIVE, FRANKFORT, KENTUCKY

DATE: Wednesday, October 06, 2004

01:30 PM PJ: TAYLOR JOHNSON VANMETER

2003CA002220 DEBORAH TAYLOR ET AL. VS MARK SANDER

WHETHER CIRCUIT COURT PROPERLY DETERMINED APPELLEE/LANDLORD NOT LIABLE FOR INJURIES SUSTAINED ON RENTED PREMISES; WHETHER LACK OF STAIRS IN BACK OF MOBILE HOME CONSTITUTED NUISANCE.

CIVIL GRANT COUNTY STEPHEN L BATES

Appellant Atty:

Appellant Name:

.....
LAWRENCE, MEREDITH L

.....
DEBORAH TAYLOR
JOHN D. TAYLOR

Appellee Atty:

Appellee Name:

.....
BENSON, NICK

.....
MARK SANDER

02:15 PM PJ: JOHNSON TAYLOR VANMETER

2004CA000010 LELAND WATSON VS FRANKLIN ASSET MANAGEMENT ET AL.

WHETHER THE TRIAL COURT ERRED BY GRANTING THE APPELLEE LANDLORD'S MOTION FOR SUMMARY JUDGMENT IN A NEGLIGENCE ACTION BROUGHT BY APPELLANT TENANT.

CIVIL PENDLETON COUNTY ROBERT MCGINNIS

Appellant Atty:

Appellant Name:

.....
BEST, SCOTT ANTHONY

.....
LELAND WATSON

Appellee Atty:

Appellee Name:

.....
CETRULO, ROBERT C.

.....
ABBEYWOOD APARTMENT COMPLEX
FRANKLIN ASSET MANAGEMENT

03:00 PM PJ: JOHNSON TAYLOR VANMETER

2003CA000894 RICHARD MORROW VS COMMONWEALTH OF KENTUCKY

(1) WHETHER THE TRIAL COURT ERRED BY NOT GRANTING APPELLANT'S MOTION FOR A MISTRIAL FOLLOWING ALLEGEDLY IMPROPER STATEMENTS MADE BY COMMONWEALTH DURING VOIR DIRE; (2) WHETHER THE TRIAL COURT ERRED BY ADMITTING AN AUDIOTAPE INTO EVIDENCE AND BY ALLOWING A WITNESS TO ALLEGEDLY INTERPRET THE TAPE; (3) WHETHER THE TRIAL COURT ERRED BY SUBMITTING AN ALLEGEDLY IMPROPER JURY INSTRUCTION; AND (4) WHETHER REVERSIBLE ERROR OCCURRED WHEN THE BAILIFF ALLEGEDLY ANSWERED A QUESTION FROM THE JURY REGARDING INSTRUCTIONS.

CRIMINAL PULASKI COUNTY WILLIAM T CAIN

Appellant Atty:

Appellant Name:

.....
HORSMAN, LINDA ROBERTS

.....
RICHARD TRAVIS MORROW

Appellee Atty:

Appellee Name:

.....
TARTER, JOHN R.

.....
COMMONWEALTH OF KENTUCKY

PANEL: NORTH/CENTRAL

LOCATION: 360 DEMOCRAT DRIVE, FRANKFORT, KENTUCKY

DATE: Thursday, October 07, 2004

10:15 AM

PJ: JOHNSON

TAYLOR

MILLER

2003CA001495

GRAOCH ASSOCIATES #73, A LIMITED PARTNERSHIP VS LAKEVIEW ESTATES LAKE ASSOCIATION, INC.

2003CA001793

WHETHER THE TRIAL COURT ERRED IN INTERPRETING SEVERAL PROVISIONS OF A HOMEOWNER'S ASSOCIATION'S COVENANT.

CIVIL

FAYETTE COUNTY

LAURANCE B VANMETER

Appellant Atty:

Appellant Name:

.....

.....

GETTY, RICHARD A.
HARGADON, JASON L.
KELLER, BENJAMIN TODD

GRAOCH ASSOCIATES #73, A LIMITED PARTNERSHIP
GRAOCH ASSOCIATES #73, A LIMITED PARTNERSHIP
GRAOCH ASSOCIATES #73, A LIMITED PARTNERSHIP

Appellee Atty:

Appellee Name:

.....

.....

SCUTCHFIELD, ALEX L

LAKEVIEW ESTATES LAKE ASSOCIATION, INC.

11:00 AM

PJ: JOHNSON

TAYLOR

MILLER

2003CA000792

AMERICAN NATIONAL PROPERTY AND CASUALTY COMPANY VS SASAN SHAFAGHI ET AL.

IN FIRE INSURANCE CASE WHERE PLAINTIFF/HOMEOWNER OBTAINED A JUDGMENT, APPELLANT/INSURANCE COMPANY CLAIMS (1) APPELLANT COMPLIED WITH OBLIGATIONS UNDER THE POLICY; (2) HOMEOWNERS PRESENTED INSUFFICIENT EVIDENCE OF FIRE LOSS CLAIMS; (3) AWARDED DAMAGES WERE EXCESSIVE AND SPECULATIVE; (4) AWARD FOR LOSS OF USE WAS IMPROPER; AND (5) EVIDENCE DID NOT SUPPORT A FINDING THAT INSURANCE COMPANY ACTED UNFAIRLY IN HANDLING THE CLAIM

CIVIL

FAYETTE COUNTY

LAURANCE B. VANMETER

Appellant Atty:

Appellant Name:

.....

.....

MOORES, E PATRICK

AMERICAN NATIONAL PROPERTY AND CASUALTY COMPANY

Appellee Atty:

Appellee Name:

.....

.....

HERREN, THOMAS K.

NURDAN SHAFAGHI
SASAN SHAFAGHI

PANEL: RESCHEDULED AND MISC. CASES

LOCATION: 360 DEMOCRAT DRIVE, FRANKFORT, KENTUCKY

DATE: Tuesday, October 05, 2004

01:00 PM PJ: EMBERTON COMBS DYCHE
2003CA001088 MIDWESTERN INSURANCE ALLIANCE, INC. VS H. JONES ET AL.

CONTRACT; FRAUD; FAILURE OF JURY TO FIND DAMAGES; ADMISSION OF "LETTER AGREEMENT"; EVIDENCE OF ACTS AFTER TERMINATION OF CONTRACT; EVIDENCE OF SETTLEMENT BETWEEN OTHER PARTIES TO THE ORIGINAL ACTION; EVIDENCE OF LENGTH OF TIME BEFORE THE ACTION COMMENCES; ADMISSION OF EXPERT TESTIMONY; FAILURE OF JURY TO AWARD DAMAGES FOR LOST PROFITS

CIVIL JEFFERSON COUNTY JAMES M SHAKE

Appellant Atty:

Appellant Name:

.....
MILLER, C THOMAS
SHEFFER, RONALD G.

.....
MIDWESTERN INSURANCE ALLIANCE, INC.
MIDWESTERN INSURANCE ALLIANCE, INC.

Appellee Atty:

Appellee Name:

.....
ARNZEN, MARK G.

.....
GREENBAUM DOLL & MCDONALD, PLLC

H. DOUGLAS JONES

STORM, BEVERLY R.

GREENBAUM DOLL & MCDONALD, PLLC

H. DOUGLAS JONES

**NOTE:CONTINUED FROM AUGUST 10

01:45 PM PJ: TAYLOR MINTON SCHRODER
2002CA001983 BARRY GORDON ET AL. VS WARREN KEMPER

2002CA002043 WHETHER CIRCUIT COURT IMPROPERLY EXCLUDED EVIDENCE IMPEACHING APPELLEE'S EXPERT WITNESS; WHETHER CIRCUIT COURT IMPROPERLY INSTRUCTED JURY; WHETHER KY SHOULD RECOGNIZE DOCTRINE OF RIGHT OF RECOVERY FOR LOST CHANCE.

CIVIL JEFFERSON COUNTY GEOFFREY P MORRIS

Appellant Atty:

Appellant Name:

.....
OLDFATHER, ANN B.

.....
BARRY GORDON
BARRY GORDON
BARRY GORDON
SAMANTHA GORDON
STUART GORDON

PLAYER, LEA A

BARRY GORDON
BARRY GORDON
BARRY GORDON
SAMANTHA GORDON
STUART GORDON

Appellee Atty:

Appellee Name:

.....
HECTUS, C. THOMAS
STRAUSE, RANDALL S

.....
WARREN KEMPER
WARREN KEMPER

**NOTE:CONTINUED FROM SEPTEMBER 8

PANEL: RESCHEDULED AND MISC. CASES

LOCATION: 360 DEMOCRAT DRIVE, FRANKFORT, KENTUCKY

DATE: Tuesday, October 05, 2004

02:30 PM
2003CA000615

PJ: MINTON SCHRODER TAYLOR
MICHAEL DAVIDSON VS COMMONWEALTH OF KENTUCKY

WHETHER CIRCUIT COURT PROPERLY GRANTED SUMMARY JUDGMENT DISMISSING WHISTLEBLOWER COMPLAINT.

CIVIL FRANKLIN COUNTY WILLIAM L GRAHAM

Appellant Atty:

Appellant Name:

.....
DAVIDSON, MICHAEL W.
LINTNER, MARY JANICE

.....
MICHAEL W. DAVIDSON
MICHAEL W. DAVIDSON

Appellee Atty:

Appellee Name:

.....
COX, DONALD L.
SEITZ, DYLAN FRANCIS

.....
COMMONWEALTH OF KENTUCKY
COMMONWEALTH OF KENTUCKY

**NOTE:CONTINUED FROM AUGUST

03:15 PM
2004CA000405

PJ: TAYLOR JOHNSON VANMETER
A. S., A CHILD VS COMMONWEALTH OF KENTUCKY

WHETHER APPELLANT WAS PROPERLY FOUND IN CONTEMPT FOR UNEXCUSED ABSENSES FROM SCHOOL.

CRIMINAL CLARK COUNTY JEAN CHENAULT LOGUE

Appellant Atty:

Appellant Name:

.....
CASE, MARGARET FOLEY
ROBINSON, GAIL

.....
A. S., A CHILD
A. S., A CHILD

Appellee Atty:

Appellee Name:

.....
RIGGS, KENNETH WAYNE

.....
COMMONWEALTH OF KENTUCKY

**NOTE: PREVIOUSLY SCHEDULED FOR OCT. 7

PANEL: RESCHEDULED AND MISC. CASES

LOCATION: 360 DEMOCRAT DRIVE, FRANKFORT, KENTUCKY

DATE: Wednesday, October 13, 2004

01:00 PM PJ: MINTON COMBS TACKETT
2004CA002080 LEXHL, LIMITED PARTNERSHIP VS COMMONWEALTH OF KENTUCKY ET AL.

WRIT OF MANDAMUS	SCOTT COUNTY	ROBERT OVERSTREET
Appellant Atty:		Appellant Name:
.....	
HOULIHAN, ROBERT F		LEXHL, LIMITED PARTNERSHIP
Appellee Atty:		Appellee Name:
.....	
HIGDON, DAVID EDWARD		DENA WILLIAMS
OVERSTREET, ROBERT		ROBERT OVERSTREET
ROBERTS, LARRY S.		ROGER L MCBEATH
VIRGIN, SHAWNA LEE		COMMONWEALTH OF KENTUCKY
ZEROOGIAN, ADAM G		DENA WILLIAMS

**NOTE:ORAL ARGUMENT ON ORIGINAL ACTION AND MOTION FOR INTERMEDIATE RELIEF